

Appl. No.: 09/900,110

Amendment Dated: 6/1/2005

Reply to OA of 12/1/2004

**REMARKS**

This amendment is responsive to the Action dated December 1<sup>st</sup>, 2004. Filed herewith is a request for a three (3) month extension of time, thereby extending the effective period for reply to June 1, 2005.

In the Action, claims 26-29 were deemed allowable, claims 1-8 and 14-20 were rejected, and claims 21-25 were merely objected to. Applicant would like to thank the Examiner for the identification of patentable subject matter.

With this response, claims 10, 22 and 25 were amended merely to remove lingering informalities identified therein. In particular, Applicant identified an antecedent basis problem that warranted correction. Support for the amendments can be found in the original specification, claims and/or drawings. In this regard, no new matter has been introduced. It is noted that such amendments were not made to overcome any substantive rejection thereof, or in view of any of the cited references. In this regard, such amendments are not intended to narrow the scope of the claimed invention or to preclude equivalents thereof. Accordingly, claims 1-30, as selectively amended, remain pending.

Applicant believes the foregoing amendments and following remarks to be fully-responsive to the outstanding action. Upon entry of this response, reconsideration of the pending application is respectfully requested.

**Objection to Claim 25**

In paragraph 1 of the Action, the Examiner correctly points out the use of inconsistent language within the claim as originally presented. Applicant regrets this oversight and has

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amended the claim, as above, to place the claim in condition for allowance. In view of the foregoing amendment, Applicant respectfully requests that the objection thereto be withdrawn.

**§103(a) Rejection of Claims 1-8 and 30**

In paragraphs 2 and 3 of the Action, claims 1-8 and 30 were rejected as being obvious in view of a patent issued to Cansever, et al. (USP 6,807,648) in combination with a patent issued to Wallace, et al. (USP 6,473,467) pursuant to 35 USC §103(a). In response, Applicant respectfully traverses the rejection of such claims.

In particular, Applicant respectfully submits that the Action has failed to establish a prima facie case of obviousness. In order to establish a prima facie case of obviousness the Action must provide one or more references that disclose or suggest each and every limitation of the rejected claim. In this case, Applicant respectfully submits that the Action has failed to provide a reference which discloses or suggests at least the elements of selecting at least one bit from each of a plurality of data streams to form a first bit grouping.

In rejecting such a claim element, the Action relies on the Cansever reference. Applicant respectfully submits that the Cansever reference is generally drawn to a method of coding wherein the header and payload information are identified (i.e., using a data separator) and separately coded. That is, the header is coded according to one coding format, while the payload is coded according to a separate coding format.

Nowhere within the Cansever reference is there disclosed that the data separator receives a plurality of data streams. Rather, it receives a packet of information and merely distinguishes the header information from the payload information.

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If, arguendo, the Action is relying on the bits comprising the header to be read as a first data stream, and the bits comprising the payload to be read as a second data stream (which Applicant reserves the right to dispute) the reference still fails to suggest taking a bit from each to generate a first bit grouping. Rather, each of the bits associated with the header (the first data stream) are grouped together for coding, while the bits associated with the payload (the second data stream) are grouped together for coding.

In this regard, Applicant respectfully submits that the Action has failed to point to a reference which discloses or suggests each of the limitations of the rejected claims and, as such, has failed to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests that the §103(a) rejection to rejected claim 1 be withdrawn.

Applicant notes that claim 30 includes an analogous claim limitation. Accordingly, Applicant respectfully submits that the Action has failed to establish a prima facie case of obviousness as to claim 30, and respectfully requests that the §103(a) rejection to such claim be withdrawn.

Applicant notes that claims 2-8 depend from claim 1. Accordingly, in addition to any independent bases for patentability, Applicant respectfully submits that until a prima facie basis for rejection has been made against claim 1, claims 2-8 remain patentable by virtue of at least their dependence on patentable base claim 1. Accordingly, Applicant respectfully requests that the §103(a) rejection of claims 2-8 be withdrawn.

#### **§103(a) Rejection of Claims 14-20**

In paragraph 4 of the Action, claims 14-20 were rejected as being unpatentable over the Cansever reference in view of the Wallace reference in further view of a patent issued to Hinedi

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et al. (USP 6,263,466) pursuant to 35 USC §103(a). In response, Applicant respectfully traverses the rejection of such claims.

The Action relies on the Cansever reference to suggest the element of receiving a plurality of data streams and selecting at least one bit from each of the streams to form a first bit grouping.

For at least the reasons presented above, Applicant respectfully submits that the Action has failed to establish a prima facie basis for rejection as Cansever fails to disclose or suggest the element of receiving the plurality of data streams, and selecting at least one bit from each to form a first bit grouping. A prima facie basis for rejection having yet to be made, Applicant respectfully requests that the §103(a) rejection of claim 14 be withdrawn.

Applicant notes that claims 15-20 are dependent upon base claim 14. Thus, in addition to any independent bases for patentability, Applicant respectfully submits that claims 15-20 are similarly patentable over the cited references by virtue of at least their dependence from patentable base claim 14. Accordingly, Applicant respectfully requests that the §103(a) rejection of such claims be withdrawn.

### **CONCLUSION**

Applicant respectfully submits that claims 1-30, as amended, are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

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Respectfully submitted,  
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Date: June 1<sup>st</sup>, 2005

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